

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

October 24, 2007

I. ROLL CALL

Present: Ali-Santosa, Mandal and Tabladillo
Absent: Azevedo
Staff: Ah Sing, Bejines, Ishijima, Kunsman, and Reliford

1. ADMINISTRATIVE PERMIT (AD2007-19)

Tiffany Kunsman, Project Planner, presented a request to locate a pumpkin patch sponsored by the Milpitas Rotary Club starting Friday October 19, 2007 through Tuesday October 30, 2007 within the Milpitas Unified School District's parking lot at 1331 E Calaveras Blvd. Ms. Kunsman recommended approval subject to findings and conditions of approval.

Motion to approve Administrative Permit (AD2007-19).

M/S: Tabladillo/Mandal

AYES: 2

NOES: 0

2. "S" ZONE AMENDMENT (SA2007- 31)

Momo Ishijima, Project Planner, presented a request for exterior modifications to an existing shopping center that includes the removal and replacement of the sign canopy, roof addition, additional storefront glazing, trash enclosure gate upgrade and parking restriping at 89 South Park Victoria Drive. Ms. Ishijima recommended approval subject to findings and conditions of approval.

Commissioner Tabladillo recommended adding the following special condition:

- *The applicant shall install security lighting in the southern parking lot area and two lights on the southern elevation of the retail building. Exterior lighting shall be diffused or concealed in order to prevent illumination of adjoining properties or the creation of objectionable visual impacts on other properties or streets. Lighting shall be decorative in style and the design shall be appropriate to the project architecture. (P)*

Motion to approve "S" Zone Amendment (SA2007-31) with the added special condition.

M/S: Tabladillo/Mandal

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:55 p.m.

APPROVED

PLANNING COMMISSION MINUTES

October 24, 2007

I. PLEDGE OF ALLEGIANCE

Vice Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL

Present: Ali-Santosa, Mandal, Sandhu and Tabladillo
Absent: Azevedo, Ciardella and Williams
Staff: Ah Sing, Bejines, Hom, Kunsman, Pio Roda and Reliford

III. PUBLIC FORUM

Vice Chair Mandal invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

Frank De Smidt, Chamber of Commerce, announced that the Milpitas Rotary Club would sponsor a pumpkin patch starting Friday October 19, 2007 through Tuesday October 30, 2007 from 5:00 p.m. to 9:00 p.m. within the Milpitas Unified School District's parking lot at 1331 E Calaveras Blvd.

IV. APPROVAL OF MINUTES October 10, 2007

Vice Chair Mandal called for approval of the minutes of the Planning Commission meeting of October 10, 2007.

There were no changes to the minutes

Motion to approve the minutes of October 10, 2007.

M/S: Sandhu/Tabladillo

AYES: 4

NOES: 0

V. ANNOUNCEMENTS

Felix Reliford, Interim Planning Director, introduced Michael Ogaz, new City Attorney for the City of Milpitas.

Vice Chair Mandal announced that tonight is Mr. Reliford's last meeting as Interim Planning Director and on behalf of the Commission thanked him for all of his hard work.

Mr. Reliford said it has been a pleasure working with the City for 17 years and announced that the Planning and Neighborhood Service Department will have a new director starting on Monday.

VI. CONFLICT OF INTEREST

Assistant City Attorney Richard Pio Roda asked if the Commission has any personal or financial conflict of interest on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

APPROVED

October 24, 2007

**VII.
APPROVAL OF
AGENDA**

Vice Chair Mandal called for approval of the agenda.

Mr. Reliford requested that Agenda Item No. 3 be put right after Agenda Item No. 1.

Motion to add Agenda Item No. 3 after Agenda Item No. 1.

M/S: Sandhu/Tabladillo

AYES: 4

NOES: 0

**VIII.
CONSENT CALENDAR**

Vice Chair Mandal asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Staff had no changes.

Commissioner Tabladillo requested that Agenda Item No. 3, Item No. 5, and Item No. 7 be added to the consent calendar.

Motion to add Agenda Item No. 3 (Conditional Use Permit (UP2007-20)), Item No. 5 (Time Extension (TE2007-22) to Conditional Use Permit (UP2005-26) and “S” Zone Amendment (SA2005-85)), and Item No. 7 (Permit Review (PR2007-3), to the consent calendar.

M/S: Tabladillo/Ali-Santosa

AYES: 4

NOES: 0

Vice Chair Mandal opened the public hearing on Agenda Item No. 3.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu/Tabladillo

AYES: 4

NOES: 0

Motion to approve Agenda Item No. 3.

M/S: Tabladillo/Sandhu

AYES: 4

NOES: 0

Vice Chair Mandal opened the public hearing on Item No. 5.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo/Sandhu

AYES: 4

NOES: 0

Motion to approve Agenda Item No. 5

M/S: Sandhu/Tabladillo

AYES: 4

NOES: 0

Vice Chair Mandal opened the public hearing on Agenda Item No. 7.

There were no speakers from the audience.

Motion to continue the public hearing to November 14, 2007.

M/S: Tabladillo/Sandhu

AYES: 4

NOES: 0

Motion to approve Agenda Item No. 8 ("S" Zone Amendment (SZ2005-6)) and Agenda Item No. 9 (PC interpretation (UD2007-3)) under New Business.

M/S: Ali-Santosa/Tabladillo

AYES: 4

NOES: 0

***3 CONDITIONAL USE PERMIT (UP2007-20):** A request to consider a new freestanding sign, 81 square feet in area and 24 feet high at a new Toyota automobile dealership located at 950 Thompson Street. *(Recommendation: Approval Subject to Findings and Conditions of Approval)*

***5 TIME EXTENSION (TE2007-22) TO CONDITIONAL USE PERMIT (UP2005-26) AND "S" ZONE AMENDMENT (SA2005-85):** A request for a one time 18 month Time Extension for the previously approved Conditional Use Permit (UP2005-26) and "S" Zone Amendment (SA2005-85), allowing the location of cellular telephone antennae in a cylindrical radome near the top of an existing 95-foot tall stadium light standard at the northeast corner of the Milpitas High School Athletic field located at 1285 Escuela Parkway. *(Recommendation: Approval Subject to Findings and Conditions of Approval)*

***7 PERMIT REVIEW (PR2007-3):** A nine-month review of Conditional Use Permit (UP2006-18) that allows for a 2,400 square foot KTV Musicland karaoke establishment without food or alcohol service located at 788 Barber Lane. *(Recommendation: Continue to the November 14, 2007 meeting)*

***8 "S" ZONE AMENDMENT (SZ2005-6):** A request for exterior color modifications to the DeVries Place Senior Housing Project located at 163 North Main Street. *(Recommendation: Approval)*

***9 PC INTERPRETATION (UD2007-3):** A request that the Planning Commission make an interpretation of the Zoning Ordinance that a Tanning Spa/Salon use is similar to a Beauty Salon use within the Town Center zoning district. *(Recommendation: Determine that Tanning Spas/Salons are similar to Beauty Salons and are permitted uses within the Town Center Zoning District)*

APPROVED

October 24, 2007

**IX.
PRESENTATION**

**1. LIBRARY PUBLIC
ART PRESENTATION**

Diana Whitecar, Economic Development Manager introduced Julie Cherry and Larry Voellger with the Public Art Committee who provided an overview of the Library Public Art selection process and invited Commissioners to make comments during the public comment period. A recommendation on the Library Art selection will be made to the City Council at its December 11th meeting.

Commissioner Tabladillo asked where would the water be flowing from the edges of the book design? Ms. Cherry pointed out that it would be coming from underneath the binding of the book down the troth and the water would be recycled.

Commissioner Tabladillo asked what is the material on the backside made out of and if people would be able to walk on top of the book? Ms. Cherry said the project is skateboard proof and the proposed material would be made out of granite.

Commissioner Tabladillo asked if kids could mark up the art with graffiti? Ms. Cherry said that the public art is made out of material that can easily take the graffiti out.

Vice Chair Mandal asked if the water will be treated for algae and Ms. Cherry said yes.

Commissioner Tabladillo pointed out that one of the designs is similar to what is on display in Livermore and Dublin. Ms. Cherry said it is the same artist however the style is the same but the proposed piece is unique.

Commissioner Tabladillo asked how tall is the art? Ms. Cherry said about ten feet and it is made out of stainless steel.

Commissioner Tabladillo asked if the art will be taller than the library and Ms. Cherry said no that the library is three stories high.

Vice Chair Mandal noted that this is a presentation and no action is required.

**X.
PUBLIC HEARING**

**2. MAIN STREET
MOBILE HOME AND
RV PARK CONVERSION
IMPACT REPORT**

Felix Reliford, Interim Planning Director noted that pursuant to State Law and City of Milpitas Municipal Code, the Mobile Home Park Conversion Impact Report is required to be reviewed and approved by the City of Milpitas, Planning Commission and City Council prior to the closing of the Main Street Mobile Home and RV Park located at 1504 S. Main Street. Mr. Reliford recommended that the Commission approve the Mobile Home and RV Park Conversion Impact Report and recommend approval to City Council.

Vice Chair Mandal asked what is the average deposit for renters and Mr. Reliford said it varies with different residents.

Vice Chair Mandal asked about the different sizes of the 29 recreational vehicles and Mr. Reliford said the vehicles vary in size.

Vice Chair Mandal introduced the applicant.

APPROVED
October 24, 2007

David Richmond, Overland Pacific and Cutler, Property Acquisition and Relocation Consultants, Regional Director for Northern California Operations, retained by the applicant Trammell Crow Residential, said their company has worked with a few mobile home park closures. He explained that being asked to move creates a lot of anxiety and they wanted to open the lines of communication to the residents throughout the process. They interviewed each of the households and the residents had concerns about how they were going to pay for rent and where they were going to go. He pointed out that tonight they even arranged a shuttle for the residents to transport them to the meeting. They worked with Trammell Crow Residential to come up with a relocation assistance program and their main concern was to make sure that all residents can move and they didn't want to leave anyone homeless. They also wanted to make the experience as positive as possible and they even drove residents around and helped them turn in applications and look for rental properties.

Vice Chair Mandal opened the public hearing.

Steve, lives in Santa Cruz, moved from the RV park to another park, did receive relocation benefits. He said in 1982, he sold a trailer for \$4,500 and said that RV's are worth a lot more now.

Josie Rosas, Space #14, said there is a fence that has been down for about a year now near the railroad tracks that has not been fixed and the laundry room does not have a door and the windows are not secure. She said she was told from the beginning that there was going to be a trailer set up and there was going to be a manager available from 8 a.m. to 5 p.m. but that never happened. Whenever she tries to get a hold of management they never return her phone calls. She said someone put up a sign near the laundry room stating that vehicles will be towed and her vehicle was towed. She is very confused about what is going on and wants answers.

Michelle, lives in the Park, said last July, a worker who was pulling away one of the old mobile homes, solicited her 12 year daughter \$130.00 to strip and she was scared for her daughter and couldn't believe what was happening. She said they have been dealing with so many things such as the laundry room is a hazard, fences are really close to their home and would be dangerous if trying to escape a fire, she has been burglarized three times, there are no lights and it is a dangerous place to live. She said management doesn't care about them and doesn't even know their names.

Brian, lives in the RV Park, has lived in Milpitas since 1956, said that he wants to continue living in Milpitas but if they close the park down, they have to move to another city. He said the RV park is so unsafe and the new owners have not done anything and there is a big hole in the fence near the railroad tracks. He said the new owner is not concerned about the residents and they are just concerned about making millions.

Rick Ellis, Space #14, said that he has tried to contact the applicant several times and he would not return his phone calls until three weeks later. He disagrees with the Mobile Home Impact Report because the new owners have not done anything to the Park. He said there has been no communication and the only way he found out about the meetings was because someone from the City dropped off the minutes to his home. He said the new owners do not care about them and they are liars.

APPROVED

October 24, 2007

Motion to close the public hearing.

M/S: Sandhu/Tabladillo

AYES: 4

NOES: 0

Vice Chair Mandal asked what could be done to make sure the residents are safe? Mr. Reliford said that the City has put together a safety task force that includes, Fire, Police, Building, Engineering and Planning, along with the applicant's team and went out to the site to address the issues. After hearing the issue about the fence, staff agrees that something should be done ASAP. In regards to the daughter who was solicited, the previous owner hired the worker not the applicant. He said there are substantial lists of issues that need to be addressed and they will do it to the best of their ability.

Vice Chair Mandal said that the people at the RV Park should be treated with dignity.

Commissioner Tabladillo said she agrees with Vice Chair Mandal and wants the residents to maintain a quality of life and provide them a place where they feel safe and the children are safe. She understands that staff is trying to address those issues and she wants to reassure the residents that communication is being flowed to them. She wants to make sure that the applicant is communicating to the residents on a regular basis so that the relocation is done properly.

Commissioner Ali-Santosa said he would like to be more specific and would like to add a condition to make sure the applicant provide remedies for any outstanding safety issues identified as part of the recommendation.

Mr. Reliford suggested that instead of a condition, staff would like to report back to the Commission on a monthly basis in a form of a memorandum.

Commissioner Tabladillo asked if that would include communication with the applicant and Mr. Reliford said yes.

Commissioner Sandhu said he is surprised and concerned with what the residents have to say about the applicant. He appeals to the applicant to listen to the residents, listen to their demands, and help them as they live at this time. It is very difficult for residents who work and when they come home, they don't have satisfactory homes and can't perform their jobs. He said both parties should work together.

Motion to approve the Mobile Home and RV Park Conversion Impact Report and recommend approval to City Council and that staff follow up with a communication memorandum regarding outstanding issues to the Commission on a monthly basis.

M/S: Sandhu/Tabladillo

AYES: 4

NOES: 0

**3. CONDITIONAL USE
PERMIT (UP2007-24) &
"S" ZONE
AMENDMENT (SA2007-
54)**

Tiffany Kunsman, Project Planner, presented a request to renovate and add exterior modifications to an existing 8,941 square foot suite (unit # J-1) to allow for the change of use from retail to a restaurant and bar serving a full range of alcoholic beverages indoors, located within the Great Mall. Ms. Kunsman recommended Approval Subject to Findings and Conditions of Approval.

Commissioner Tabladillo asked what retail space will they be occupying and Ms. Kunsman said Saks Fifth Avenue.

APPROVED

October 24, 2007

Vice Chair Mandal introduced the applicant.

Michael Riley, STDR Architects, 3190 K Airport Loop, Costa Mesa, Ca, clarified that the current space is being used for storage for Saks Fifth avenue.

Commissioner Sandhu asked what type of food would Elephant Bar be serving? Mr. Riley said the Elephant Bar has Pan Asian influence and is an affordable family oriented restaurant.

Vice Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu/Ali-Santosa

AYES: 4

NOES: 0

Motion to approve Conditional Use Permit (UP2007-24) & “S” Zone Amendment (SA2007-54) based on the findings and conditions noted in the staff report.

M/S: Tabladillo/Ali-Santosa

AYES: 4

NOES: 0

4. CONDITIONAL USE PERMIT (UP2007-17)

Bridgette Carroll, Project Planner, presented a request by the Santa Clara Vietnamese Alliance Church to utilize a conference room for public assembly on Sundays from 10:00 a.m. to 3:00 p.m. at Renaissance Business Center on 1851 McCarthy Blvd. Ms. Carroll recommended Approval Subject to Findings and Conditions of Approval.

Ms. Carroll also pointed out a correction to the staff report findings.

Vice Chair Mandal asked how did staff reach out to the public? Ms. Carroll said that she noticed 300 feet around the facility and put up a sign.

Commissioner Tabladillo asked if they would have childcare services and Ms. Carroll said no.

Commissioner Tabladillo asked how many services would they have on Sunday from 10 a.m. to 3 p.m. and Ms. Carroll deferred the question to the applicant.

Vice Chair Mandal introduced the applicant.

Dien Nguyen, representing the Santa Clara Vietnamese Alliance Church, said they currently have 65 members total and 18 of them are children who will be with their parents at all time. There is one service from 10 a.m. to 3 p.m.

Commissioner Tabladillo asked where are the members from? Mr. Nguyen said they are mostly from Milpitas and Fremont.

Vice Chair Mandal asked if they have a similar facility anywhere else and Mr. Nguyen said no.

Vice Chair Mandal asked if they are expecting more members to join? Mr. Nguyen said yes and they will be looking for a more permanent location in the future.

APPROVED

October 24, 2007

Commissioner Tabladillo asked if the church would have large-scale celebrations? Mr. Nguyen said the conference room only holds 99 people and they would not exceed the capacity. If they do have a larger event they will rent a larger building.

Vice Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu/Ali-Santosa

AYES: 4

NOES: 0

Motion to approve Conditional Use Permit (UP2007-17) based on the findings and conditions noted in the staff report.

M/S: Sandhu/Ali-Santosa

AYES: 4

NOES: 0

XI. ADJOURNMENT

The meeting was adjourned at 8:50 p.m. to the next regular meeting of November 14, 2007.

Respectfully Submitted,

Felix Reliford
Principal Planner

The foregoing minutes were approved by the Milpitas Planning Commission as submitted on November 14, 2007

Veronica Bejines
Recording Secretary

APPROVED
October 24, 2007